

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Isaac Richter	Team: Team # 2	CCRB Case #: 200706903	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/16/2007 12:45 PM	Location of Incident: § 87(2)(b)	Precinct: 43	18 Mo. SOL 11/16/2008	EO SOL 11/16/2008	
Date/Time CV Reported Wed, 05/16/2007 2:40 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 05/16/2007 2:40 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Roberto Santiago	01465	902357	043 PCT
2. LT Fernando Guimaraes	00000	915848	043 PCT
3. POF Maria Reyes	04961	939300	043 PCT
4. POM Phillip Connor	17767	932486	043 PCT
5. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Leslieangi Salcedo	14463	937469	043 PCT
2. POM Nathaniel Anthony	03172	923516	043 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Roberto Santiago	Abuse: Sergeant Roberto Santiago authorized the entry and search of the basement of § 87(2)(b) in the Bronx.	§ 87(2)(b)
B.SGT Roberto Santiago	Force: Sergeant Roberto Santiago pointed his gun at § 87(2)(b) and § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b).	§ 87(2)(b)
C.POF Maria Reyes	Force: Officer Maria Reyes pointed her gun at § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b).	§ 87(2)(b)
D.LT Fernando Guimaraes	Force: Lieutenant Fernando Guimaraes pointed his gun at § 87(2)(b).	§ 87(2)(b)
E.POM Phillip Connor	Abuse: Officer Phillip Connor drew his gun.	§ 87(2)(b)
F.SGT Roberto Santiago	Abuse: Sergeant Roberto Santiago threatened § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) with the use of force.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
G.SGT Roberto Santiago	Discourtesy: Sergeant Roberto Santiago spoke obscenely and/or rudely to § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b)	[REDACTED]
H.SGT Roberto Santiago	Force: Sergeant Roberto Santiago used physical force against § 87(2)(b)	[REDACTED]
I. An officer	Abuse: An officer searched § 87(2)(b)	[REDACTED]
J.SGT Roberto Santiago	Abuse: Sergeant Roberto Santiago supervised the frisk of § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b)	[REDACTED]
K.POF Maria Reyes	Abuse: Officer Maria Reyes refused to provide her shield number to § 87(2)(b)	[REDACTED]

Synopsis

On May 16, 2007, at approximately 12:45 PM, officers received a call regarding shots fired in the basement of § 87(2)(b) in the Bronx. § 87(2)(b) was in this basement with his friends, § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) when police officers came downstairs with guns drawn and pointed (**Allegations A, B, C, D and E**). Sergeant Roberto Santiago pointed his gun at all the males and allegedly said, “I’ll shoot you if you don’t get in the floor” (**Allegation F**) and “Get the fuck on the floor” (**Allegation G**). SGT Santiago allegedly threw § 87(2)(b) on the floor and put his foot in § 87(2)(b)’s back (**Allegation H**). Officer Maria Reyes came into the basement with SGT Santiago. Lieutenant Fernando Guimaraes pointed his gun at § 87(2)(b) (**Allegation D**). Also on the scene were Officer Philip Connor, Officer Leslieangi Salcedo and Officer Nathaniel Anthony. The officers threw all the males on the floor and had all the males in handcuffs for 15-20 minutes. The officers searched the basement (**Allegation A**). While handcuffed on the floor, the officers frisked the males (**Allegation J**). LT Guimaraes frisked § 87(2)(b) in the pants pockets area and a different officer (the investigation could not positively identify this officer) allegedly stuck his hands inside § 87(2)(b)’s front pockets and back pockets (**Allegation I**). The officers released the males from the handcuffs and left the basement shortly after the handcuffs were removed. PO Reyes walked out of the basement while covering her badge and § 87(2)(b) said, “Excuse me miss can I see your badge number” and PO Reyes allegedly ignored § 87(2)(b) and kept walking (**Allegation K**).

§ 87(2)(g) [REDACTED]. The Emergency Doctrine states that police officers are permitted to enter premises without a warrant to protect individuals in distress, to assist victims of crimes that have just occurred, or to investigate suspicious signs of impending danger. Furthermore, officers are permitted to search the premises incidental to the investigation of the reported emergency, in this case, a call for shots fired. Lastly, police officers may search for weapons to protect themselves and others and may conduct a protective sweep to look for injured, missing or armed individuals. [Enclosure 1a-1c] § 87(2)(b), § 87(2)(g) [REDACTED]

Summary of Complaint

§ 87(2)(b) (Complainant/Victim)

§ 87(2)(b) was interviewed at the CCRB on May 29, 2007. On May 16, 2007 at approximately 12:45 PM, § 87(2)(b) was in his friend's § 87(2)(b)'s basement of § 87(2)(b) in the Bronx. § 87(2)(b) was with his other friends § 87(2)(b), § 87(2)(b), and § 87(2)(b). They were listening to music and playing X-box. § 87(2)(b) drew a sketch of the basement and stated it was a long basement and he and his friends were hanging out in the back area of the basement. The males were sitting in chairs in a semi-circle around the television screen.

Thirty minutes later a group of police officers came downstairs with their guns drawn and told them to get on the floor and used foul language. The police had to have come in from upstairs on the first floor to get into the basement. § 87(2)(b) stated at the interview, “In order to walk to the back area, you must walk through a hallway with a boiler, a washing machine and a dryer.” § 87(2)(b) asked the officers why they

were there. PO1 (described as a 5'10" bald headed male in uniform with a chubby build and identified by the investigation as Sergeant Roberto Santiago. SGT Santiago's badge number was 1465. § 87(2)(b) thought SGT Santiago was a sergeant because SGT Santiago told them his rank) had his gun in § 87(2)(b)'s face. § 87(2)(b) stated at the interview that he already provided his name and badge number to the CCRB. SGT Santiago said, "I'll shoot you if you don't get on the floor" and "Get the fuck on the floor". § 87(2)(b) was sitting in a chair and said, "Why I gotta get on floor for? I'm not doing nothing, you don't see no gun in my hand, you don't see nothing but a video game controller." SGT Santiago threw § 87(2)(b) on the floor and put his foot in § 87(2)(b)'s back. SGT Santiago said he would shoot the males if they did not get on the floor. SGT Santiago said "I'll fucking shoot you, I have no problem with shooting y'all. I don't give a fuck who's down here, this is my job, I do what I want." With SGT Santiago was a female officer, PO2, named Reyes (identified by the investigation as Officer Maria Reyes) who came in with SGT Santiago. PO Reyes was slim, 5'9", Hispanic, dressed in an NYPD shirt and blue army pants and her badge number was 4961. § 87(2)(b) got her badge number because he saw her last Sunday (5/27/07) on the corner of § 87(2)(b) and § 87(2)(b). There was a lieutenant, PO3 (described as a male less than 6' tall with black and gray hair and dressed in blue jeans with a blue NYPD T-Shirt. Identified by the investigation as Lieutenant Guimaraes), there who said he was a lieutenant. LT Guimaraes did not want to give his name to the males. PO4 (identified by the investigation as Officer Philip Connor) was a black male with a big muscular build, 200 pounds or more and wearing an NYPD T-shirt. PO5 (identified by the investigation as Officer Nathaniel Anthony) was a 6' Hispanic male with dark short hair and a big build. The officers did not have their badges displayed. PO Connor came in after SGT Santiago and PO Reyes. SGT Santiago pointed his gun at all the males. PO Reyes and LT Guimaraes had their guns drawn. All officers had their guns out and all the officers. Officers (the investigation could identify these officers) threw all the males on the floor and had all the males in handcuffs for 15-20 minutes but § 87(2)(b) did not know which officers did so. No one was injured from the incident.

Officers stated "We know you got guns down here." § 87(2)(b) asked the officers why they drew their guns and SGT Santiago said, "We gotta have our gun out if we're responding to gun shot call." § 87(2)(b) thought that there was one more female officer, PO6 (identified by the investigation as Officer Leslie Salcedo). There was a white male officer with brown/gold hair, PO8 (the investigation could not identify this officer). PO8 had on shorts and a blue NYPD T-shirt and no badge out. Officers searched around the basement and the males told the officers that this was a private home. Officers went towards the boiler and other areas of the basement. PO Reyes, PO Connor and PO Anthony searched around the basement. § 87(2)(b) did not see the officers open up any containers, closets, or compartments. The males told the officers to go get § 87(2)(b)'s grandmother § 87(2)(b) because she owns the house. PO8 went upstairs to get § 87(2)(b)'s grandmother and mother. PO8, § 87(2)(b) and § 87(2)(b) came down to the basement together. § 87(2)(b) came downstairs and verified that they were good kids.

The officers took the handcuffs off of the males and § 87(2)(b) said, "We gonna make a complaint on y'all, we need your badge numbers." The males tried to get the officers badge numbers and the officers tried to cover their badges and tried to take their badges off and left the basement promptly. PO Reyes walked out of the basement while covering her badge and § 87(2)(b) said, "Excuse me miss can I see your badge number" and PO Reyes ignored § 87(2)(b) and kept walking but § 87(2)(b) saw "Reyes" on her badge. PO Connor and PO Anthony covered their badges also. SGT Santiago said that they got a call for shots fired in the basement of § 87(2)(b) § 87(2)(b) and his friends told the officers that they were filing a complaint because they did nothing wrong. § 87(2)(b) had a pen and paper and § 87(2)(b) told § 87(2)(b) to get the officers' badge numbers.

Immediately after § 87(2)(b) and § 87(2)(b) were interviewed, § 87(2)(b) was presented two photo arrays. The first array contained 8 photos with PO Collins and PO Mede placed 4th and 7th with 6 filler photos. The second array was 6 photos with PO Maria Reyes placed 4th with 5 filler photos. § 87(2)(b) stated that he did not recognize any of the 8 photos of array #1. § 87(2)(b) stated that photo # 4 was Officer Reyes and that she was the officer who ignored him when he asked her for her badge number and quickly left the scene. [Enclosure 10a-10s]

§ 87(2)(b) (Complainant/Victim)

§ 87(2)(b) was interviewed at the CCRB on May 29, 2007. On May 16, 2007 at approximately 12:45 PM, § 87(2)(b) was in the basement of his home at § 87(2)(b) in the Bronx. § 87(2)(b)'s grandmother, § 87(2)(b) owns the whole the house. § 87(2)(b) was with § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) in his basement. The lighting in the basement is in between well lit and dim. There was one ceiling/chain light on during the incident. There is a bed in the basement as well. The door to the basement does not have a knob. The males were sitting in chairs in a semi-circle and listening to music, smoking "a little reefer" [marijuana], and hanging out when officers entered the basement through the door that leads to the upstairs. § 87(2)(b) was sitting on his cooler by the big screen T.V. and he saw officers with guns drawn. They told § 87(2)(b) to get on the floor. There were at least 10-12 officers in the basement. All officers had navy blue NYPD T-shirts with NYPD emblems but no name or number. § 87(2)(b) was one of the first people to react. § 87(2)(b) put his hands up and got on the floor. § 87(2)(b) told everybody to get on the floor.

An officer told § 87(2)(b) and § 87(2)(b) to get on top of each other. § 87(2)(b) heard an officer (identified by the investigation as Sergeant Roberto Santiago) say to the others, "I'm gonna shoot you if you don't get on the floor." § 87(2)(b) heard officers say "Get on the floor mother fuckers." PO1, (identified by the investigation as Lieutenant Guimaraes) a male officer named "Guraza", was the first officer that § 87(2)(b) saw. § 87(2)(b) got this officer's name later on at the 43rd Precinct. LT Guimaraes pointed his gun at § 87(2)(b). LT Guimaraes looked Italian and had gray side burns and black hair, and he was dressed in a navy blue shirt and jeans. When LT Guimaraes pointed his gun at § 87(2)(b), § 87(2)(b) up and walked towards him (with his palms out and up above shoulder level) and told LT Guimaraes he lived there and it was private property. § 87(2)(b) asked LT Guimaraes if he had a warrant and LT Guimaraes said, "No, get on floor" and § 87(2)(b) complied and another officer handcuffed him. § 87(2)(b) did not see what was going but did heard an officer say to § 87(2)(b) "I'll shoot you, get on the floor." Everyone was handcuffed but § 87(2)(b) did not know who handcuffed whom.

LT Guimaraes got on the phone and most of the officers were searching by going through the boiler and towards the back of the basement. § 87(2)(b) keeps a cubic steel can in the basement that looks like a toolbox or a lunch box and it opens from the top. § 87(2)(b) was not sure if it was open or closed when the officers entered the basement. § 87(2)(b) keeps his personal things in the box and officers were looking through it. § 87(2)(b) has magazines downstairs and officers looked through them. There is a 3-drawer dresser that holds up the TV but the officers may or may not have looked through it. § 87(2)(b) was in the front by the washing machine and did not see what happened in the back. The officers searched the boiler room. An officer, PO4, named "O'Connor" (identified by the investigation as Officer Philip Connor) was involved in the incident. PO Connor was a light skin black male with a mustache. PO Connor had a jacket on with a navy blue shirt. § 87(2)(b) got the name "O'Connor" from a previous arrest or summons incident he had. § 87(2)(b) did not observe any physical force used against him or his friends by the officers.

While handcuffed on the floor, the officers searched the males. LT Guimaraes frisked § 87(2)(b) in the pants pockets area and a different officer, PO7, stuck his hands inside § 87(2)(b)'s pockets and back pockets. PO7 was a muscular Black male. PO7 had a partner, PO8, a white male with a blue NYPD hat, blonde hair, and was smoking a cigarette in § 87(2)(b)'s basement. § 87(2)(b) did not see other officers search his friends but all his friends told him that they were searched. § 87(2)(b) told the officers that he lived there. § 87(2)(b) did not have his ID with him (he had basketball shorts on). § 87(2)(b) said "Where's the warrant, where's the proof that there was shots fired?" The officers searched the males and § 87(2)(b) asked the officers for permission to get his mother to verify that he lived there. § 87(2)(b) said, "Officers why are we being handcuffed and why are we on the floor?" The officers said that they got a call from dispatch for gun shots at § 87(2)(b). PO1 let § 87(2)(b) hear what dispatch said. LT Guimaraes put § 87(2)(b) on the phone with dispatch, which said that shots were fired at § 87(2)(b). § 87(2)(b) told the officers that the call did not say the basement of § 87(2)(b) just § 87(2)(b). § 87(2)(b) said, "The last 2 officers who came down here said that they are out of their jurisdiction if they come down to the basement without a warrant." § 87(2)(b) asked the officers to take the handcuffs off of him to get his grandmother and verify that the people were his friends and say that they are all good people.

§ 87(2)(b)'s grandmother, § 87(2)(b) who lives in apartment § 87(2)(b) has bad knees and it takes her a long time to come downstairs. § 87(2)(b) came down to the basement first and then his mother, § 87(2)(b) followed. § 87(2)(b) lives in apartment § 87(2)(b) and she is hearing impaired. § 87(2)(b) asked his mother if she let them in and she said, "No, they did not ring the bell." § 87(2)(b) asked the officers how they got in and the officers said that the door was wide open. § 87(2)(b) said "These are good kids, why you got them locked up on the floor?" The officers stood the boys up and searched them again. § 87(2)(b) asked why they were searched twice and the officers told him it was procedure. § 87(2)(b) stated to the officers that he did not have a firearm and he would not do anything in his house to endanger his grandmother. The officers unhand cuffed the males. § 87(2)(b) was upset and got into a dispute with the officers. § 87(2)(b) asked where the warrant was. The officers left the basement shortly after the handcuffs were removed from the males. The males tried to get the officers' badge numbers and § 87(2)(b) had a pad and got one badge number that day. § 87(2)(b) wrote down the badge number for "Sergeant Santiago."

The males followed the officers outside to the front of the house in an attempt to get their badge numbers and got into a verbal dispute with the officers. The males said that the officers had done nothing wrong. LT Guimaraes turned around and said, "Just go get a job." § 87(2)(b) replied, "Then do your job right." The officers got into their cars and left and § 87(2)(b)'s friends started cursing them out. Three officers got into the marked squad car; one of the officers was a female (either PO Reyes or PO Salcedo). There was a female officer (identified as PO Reyes) who fled the scene so fast and the males tried to get her name. The officers had arrived at the scene in cars: a black van (Ford maybe), a marked squad car with NYPD on it, and a shiny black Impala. LT Guimaraes got into the black Impala. § 87(2)(b) didn't see which car SGT Santiago got into.

The males then went to the 43rd Precinct and they heard about the CCRB. They then went to "Ruben Diaz" and got a CCRB complaint form. Mr. Diaz told the males to get a receipt from the precinct. The males went back to the 43rd Precinct where they saw SGT Santiago. § 87(2)(b) gave SGT Santiago his complaint paper. SGT Santiago made a copy of the complaint paper and returned it to § 87(2)(b). § 87(2)(b) said, "Where's my receipt?" SGT Santiago said "Here's my badge #." The males said that they already had it and they wanted the badge numbers of the other officers. PO Reyes walked towards the desk and saw the males and she then walked away towards the back of the precinct. § 87(2)(b) got the name "Reyes" from one of his friends. The males waited in the precinct to get more officers' badge #'s when § 87(2)(b) saw LT Guimaraes. § 87(2)(b) asked LT Guimaraes for his name and he said, "Guraza" and § 87(2)(b) asked for the spelling of his name and LT Guimaraes said, "Sound it out." The males spoke to LT Guimaraes and another officer outside the precinct. LT Guimaraes let § 87(2)(b) listen to the dispatch again on his personal cell phone (a flip phone) and the officers said that they got a call for shots fired.

§ 87(2)(b) stated that there is a new tenant who lives upstairs from the basement. The next day, § 87(2)(b) asked the tenant if he heard a gun shot and he said that he did not but the police knocked on his door asking him about a shooting. The new tenant is § 87(2)(b) in § 87(2)(b) but he did not witness anything. [Enclosure 11a-11f]

Results of Investigation

Attempts to Interview § 87(2)(b)

On July 20, 2007, § 87(2)(b) was contacted about § 87(2)(b). § 87(2)(b), § 87(2)(g)

Attempts to Contact the § 87(2)(b)

On July 20, 2007, the undersigned spoke via telephone with § 87(2)(b) § 87(2)(b) whose telephone number dialed 911 on the date of the incident. § 87(2)(b) § 87(2)(b) stated that she never called 911 anytime in May but there were two individuals (whose names, addresses and numbers she refused to provide) who lived with

her and moved out in the middle of May to Atlanta, Georgia. § 87(2)(b) § 87(2)(b) agreed to speak to the two individuals about any 911 calls, but she never again got in contact with the CCRB. [Enclosure 24a-24i]

§ 87(2)(b) (Witness)

§ 87(2)(b) was interviewed at the CCRB on June 1, 2007. On May 16, 2007 at approximately 12:45 PM, § 87(2)(b) was watching television in her living room on the § 87(2)(b) floor in her private house at § 87(2)(b) in the Bronx. There is a vestibule and this is where the mailbox is, between the outside door and the inside door. § 87(2)(b)'s boyfriend, § 87(2)(b) (who lives with her), left the house and five minutes later he called the house from a pay phone. § 87(2)(b) § 87(2)(b)'s mother) answered the phone. § 87(2)(b) heard the phone ring because she and her mother have two separate phones with the same phone number. § 87(2)(b) informed § 87(2)(b) that the police were driving towards the house and parking in front of the house. § 87(2)(b) informed § 87(2)(b) that the police were outside. § 87(2)(b) went outside her apartment to see what was going on and when § 87(2)(b) went outside in the hallway on the § 87(2)(b) floor, she looked down and saw two officers on the main floor walking toward the basement door and into the basement. There was black male and a Hispanic female officer. The black male officer was 6', medium build, uniform, medium dark skin with an inch high afro. The female officer had a ponytail, was in uniform, 5'5", with dark hair (the investigation could not identify of either officer). § 87(2)(b) did not know how the officers got into the location. The officers looked at her and she looked at them and then § 87(2)(b) went to her mother's, who lives next door and told her that there were officers outside. § 87(2)(b) saw these officers 5 minutes after the phone call.

About 15 minutes later, § 87(2)(b) (she is old and can hardly walk) went downstairs to the basement. § 87(2)(b) waited another 10 minutes in her apartment because she had to go to the bathroom. § 87(2)(b) then went to the top of the basement door, descended down the stairs to the basement, and saw officers all over the basement by the back where the washing machine and the furnace were, also where § 87(2)(b) and his friends hang out. There are windows all through the basement and on the windows there are gates. Lighting in the basement was dim. There is a light bulb above the washing machine and a light where the boys hang out in the back where the tv/dvd player is. There are 7 windows in the basement. These two lights in the basement were on during the incident. The sun was shining through the windows in the basement.

In the basement, there was a white male officer, PO8 (the investigation could not identify this officer) with brown and gray hair, with glasses on, uniform, 6' or taller. PO8 was at the bottom of the steps of the basement putting a stick in there to keep the door open. § 87(2)(b) walked down the stairs past PO8 and into the basement. There is another part of the basement with the washer, dryer, furnace and the where the boys were hanging out. § 87(2)(b) was sitting down in her chair with a cane. § 87(2)(b) could not get past the officers because it was crowded. § 87(2)(b) was saying, "What the hell is going on?" One male officer, PO9, was taking handcuffs off of § 87(2)(b). § 87(2)(b) could not remember the description of PO9. PO1 (identified by the investigation as SGT Santiago) was a male sergeant by the name "Sandiego", was 5'6" with grayish hair and wearing a navy blue T-shirt. § 87(2)(b) got the name "Sandiego" from § 87(2)(b). § 87(2)(b) told § 87(2)(b) that this officer was a sergeant. SGT Santiago was in the basement but § 87(2)(b) could not remember what specifically he was doing because there was so much confusion. The original black male and Hispanic female were also down in the basement. A total of ten to fifteen officers were down in the basement. The officers were not searching anything but they were looking around. § 87(2)(b) was saying "§ 87(2)(b), § 87(2)(b), tell them my name, tell them my name." Some of the boys were saying, "Y'all have no right coming down here, we don't have guns, y'all shouldn't be searching around the basement. Y'all don't have no business down here. How y'all get in? Y'all don't have no warrant. Y'all don't have nothing on us." Then the officers took off the handcuffs and moved out of the basement. The boys followed the officers out of the basement. § 87(2)(b) left the basement at the same time the boys left the basement. § 87(2)(b) stayed in the basement after everybody left because it takes her a long time to get upstairs. One of the boys told the officers, "We want your badge number." The boys and the officers were arguing and continued to argue in front of the house on the stoop. SGT Santiago was arguing with three of the boys. SGT Santiago had the walkie-talkie and said, "Did you hear that?" SGT Santiago was trying to tell them that someone called § 87(2)(b) saying that there was a shooting in the basement and that is why they came there in the first place, because they thought the boys had guns. The officers said they had a phone

call from somebody that they heard shooting in the basement. SGT Santiago started cursing § 87(2)(b) did not remember what specifically he said) at the males. None of the males cursed at all. § 87(2)(b), § 87(2)(b) and § 87(2)(b) were arguing with SGT Santiago. § 87(2)(b) was the quiet one but § 87(2)(b) was saying “a little bit.”

§ 87(2)(b) told SGT Santiago to stop cursing. They still argued and 10 minutes later the officers left. There was a dark van (black or navy blue), a blue/white police car, and a navy blue or black car. The van looked like it carried about 8 people. § 87(2)(b) did not see which cars the officers stepped into before departing from the front of the house. After the officers left, the boys, § 87(2)(b) and her mother were upset. Some of the boys went to Councilman Diaz’s office and filed a complaint. Then § 87(2)(b) came home and filed the complaint on the phone. § 87(2)(b) learned later from the boys that they were all handcuffed when in the basement.

At the conclusion of the interview, § 87(2)(b) was presented 5 photo arrays. Array #3 contained 8 photos. PO Mede and PO Collins were placed 3rd and 7th with 6 fillers. § 87(2)(b) stated that she did not recognize any of the photos. Array # 4 contained 6 photos. PO Reyes was placed 2nd with 5 fillers. § 87(2)(b) stated that photo # 2 was the female officer who looked like the first female officer she saw. § 87(2)(b) stated “It could be her too” when talking about photo # 3. § 87(2)(b) stated she did not recognize the other photos (#1 and #4 through 6). Array #5 contained 6 photos with Sergeant Santiago placed 5th and § 87(2)(b) stated she did not recognize any photos on the array. Array #6 contained 6 photos with Officer Modell placed 2nd and § 87(2)(b) stated that she did not recognize any of the photos. Array # 7 contained 6 photos with Officer Jiro Martinez placed 6th and § 87(2)(b) stated that she did not recognize any of the photos. [Enclosure 12a-12w]

§ 87(2)(b) (Victim) – Non-Notarized Statement

On May 23, 2007, § 87(2)(b) provided a phone statement to the CCRB. After this incident, § 87(2)(b) learned from a male tenant of the § 87(2)(b) Floor, Apartment § 87(2)(b) of § 87(2)(b) in the Bronx that before the officers came down to the basement, the officers passed him (the tenant) by and asked him if shots were fired. On May 16, 2007 at an unspecified time, § 87(2)(b) was in the basement sitting down with his friends § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) when he heard an officer (identified by the investigation as Sergeant Roberto Santiago) say, “Get on the floor or I’ll shoot.” § 87(2)(b) thought it was one of his friends playing around but then he realized it was a group of officers. They all got on the floor but § 87(2)(b) stood on his knees and asked, “Officer was the problem?” SGT Santiago said “Get on the fucking floor. I’ll shoot you, I’ll shoot you.” § 87(2)(b) said, “Shoot me for what? My hands is in the air. What you talking about?” SGT Santiago said, “Get on the floor. I don’t have to answer no questions, just get on the floor before I shoot you.” As SGT Santiago was saying this he was coming towards § 87(2)(b) with his gun drawn. Several guns were pointed at the males. § 87(2)(b) lay on the floor and the officers handcuffed the males. The males asked the officers, “What are you guys doing down here? What’s the beef?” An officer (the investigation could not identify) said, “We got a call about shots being fired here in the basement.” The males said, “What? There ain’t no shots being fired. There ain’t no nobody here but us.” § 87(2)(b)’s grandmother came downstairs with her sitting chair and told the officers that the males were § 87(2)(b) and his friends and they hang out there everyday watching TV and playing games. § 87(2)(b) knew one of the officers as a Hispanic male, 5’10” with a pretty muscular build and he was in uniform (the investigation could not identify this officer). § 87(2)(b) stated that an officer named “Santiago” was involved in the incident but that was the only name he knew. Some of the officers were wearing shirts with badges and no names but there were two officers that did have nameplates however they walked out of the basement so fast and § 87(2)(b) did not see their names. § 87(2)(b) went to the 43rd Precinct after the incident and spoke to an officer (the investigation could not identify this officer) who told them to call the CCRB and said, “CCRB will talk to me and I’ll take it from there.” As the males were leaving the Precinct, the officers (one of which was identified as Lieutenant Fernando Guimaraes) came out and spoke to the males and tried to explain what happened and the males said that they understood what happened but they wanted to tell the officers that they disliked the way they went about the situation. § 87(2)(b) did not know the officers names, except “Santiago.” [Enclosure 13]

§ 87(2)(b) (Witness) Non-Notarized Statement

On July 20, 2007 § 87(2)(b) the owner of § 87(2)(b) provided a phone statement. On May 16, 2007, she was upstairs and a male friend who was outside on the corner called the house. § 87(2)(b) picked up and she was told that police officers were in front of her house. § 87(2)(b) looked out the window and saw police cars. § 87(2)(b) went down to the basement and saw over 6 officers (women and men) and asked them what they were doing down there. They said that there was a complaint of a shooting. § 87(2)(b) heard no shots. The officers had her grandson and his friends handcuffed in the basement. The males were arguing with the officers about the law and saying that they had no cause to arrest them. The officers released the males and the officers left. The males were so angry that they went to the Assemblyman and made a complaint. § 87(2)(b) learned from the officers that the person who got shot was an old lady. § 87(2)(b) responded "I'm the only old lady in this house." One officer was at the main door, one was at the basement door and the rest were in the basement. § 87(2)(b) said that she could not describe the officers individually and she did not know any officers names. § 87(2)(b) did not see the officers with their guns drawn but she learned later that the officers had their guns drawn. § 87(2)(b)'s daughter, § 87(2)(b) was also in the basement during the incident. § 87(2)(b) did not have any interaction with the officers. § 87(2)(b) remembered an officer trying to get on the phone to get some information. The officers came in 2 patrol cars and a black van. The officers entered the house through the main door and they did not ring the bell. The officers exited through the main door. [Enclosure 14]

Police Officer Statements

Sergeant Roberto Santiago (Subject Officer)

Sergeant Roberto Santiago was interviewed at the CCRB on August 28, 2007. On May 16, 2007 SGT Santiago worked from 6:55 AM to 3:52 PM and was assigned as the patrol supervisor with PO Salcedo. SGT Santiago was in uniform and was assigned to a marked RMP #1899. SGT Santiago had the following memo book entries: 12:40 PM – 98 to § 87(2)(b) regards to 10-10 shots fired, 1:00 PM --98 handled by special operations lieutenant.

On May 16, 2007 at approximately 12:40 PM, SGT Santiago responded to § 87(2)(b) in the Bronx regarding a radio run for shots fired. Upon arrival at the scene, SGT Santiago, PO Salcedo and PO Reyes (she was in the RMP with them when they got to the scene) entered the building. The door was unlocked and they descended down to the basement. For safety reasons and the nature of the call, SGT Santiago had his gun drawn before going into the basement. SGT Santiago believed that PO Salcedo and PO Reyes had their guns drawn also. The lighting in the basement was dark. SGT Santiago could not see well at all and it took a few minutes for his eyes to adjust from the day light to the darkness and realize that there were more than two people down there. SGT Santiago observed a group of black males (SGT Santiago could not remember exactly how many) hanging out and he smelled what appeared to be marijuana. SGT Santiago pointed his gun at the males but did not know if his partners did. SGT Santiago did not remember at which males he pointed his gun. SGT Santiago was trying to secure all of them and he did this for his safety for the same reason he drew his gun. There was a lot being said but SGT Santiago did not recall what exactly was being said. SGT Santiago asked to see their hands and to get on the floor and the males complied. After the males got on the floor, Lieutenant Guimaraes showed up with a few other officers (SGT Santiago did not remember who). LT Guimaraes and his officers were dressed in plainclothes with their shields displayed. The officers handcuffed the males and the officers searched them for weapons and for their safety.

SGT Santiago and the officers did not use any physical force with the males such as pushing, throwing or shoving. The males were not resistant but there was one male not handcuffed due to the shortage of handcuffs and he felt he could just get up and walk away. SGT Santiago grabbed that male but the male did not try to run and there was no struggle. While SGT Santiago was inside the basement, no elderly female civilian came down to the basement. SGT Santiago did not know if LT Guimaraes had his gun drawn during the incident. SGT Santiago did not say to the males, "I'll shoot you if you don't get on the floor" or

make any threat of force or say “Get the fuck on the floor” or any words such as “Fuck” or “motherfuckers.”

SGT Santiago frisked, not searched, about two of the males and he did not see if the other officers on the scene frisked or searched the other males because he was focused on what he was doing. The handcuffs were removed by the time SGT Santiago vacated the basement. SGT Santiago heard a few unidentified males asked for his name but he did not hear a male say that they were going to file a complaint. SGT Santiago did not know if the males requested names/shields of any other officers.

The basement was visually searched in the general areas for weapons but SGT Santiago could not specify. The basement had little to no lighting with a bed, chairs and a television. SGT Santiago did not remember if any boxes were lying on the floor because he could not see that well. No boxes or dresser drawers were searched. No officers smoked a cigarette while in the basement. The males asked the officers if they came there on their own and LT Guimaraes or one of the other officers tried to replay the radio.

Lieutenant Guimaraes told SGT Santiago to go 98 [resume patrol] and SGT Santiago left the scene with PO Salcedo and PO Reyes. SGT Santiago then went to do administrative duties at the 43rd Precinct and some of the black males came into the PCT to file a complaint. By the time SGT Santiago saw the males at the PCT, they already had a CCRB form. SGT Santiago did not know how they obtained it or who gave them the form. The males filled out a CCRB form. SGT Santiago did not remember having a conversation with the males. SGT Santiago did not know if UF 250's were prepared because LT Guimaraes told him to go 98 [resume patrol] and he thought that LT Guimaraes would handle the UF 250 reports. There were about 5 officers (males) with LT Guimaraes but SGT Santiago was not sure who they were. [Enclosure 15a-15f]

Officer Maria Reyes (Subject Officer)

Officer Maria Reyes was interviewed at the CCRB on August 30, 2007. On May 16, 2007, PO Reyes worked from 7:05 AM to 3:40 PM and was assigned as the sergeant's operator with Sergeant Roberto Santiago and Officer Leslieangi Salcedo. The officers were in uniform and in a marked Chevy Impala patrol car. PO Reyes had the following memo book entries in regards to the incident: 12:40 PM –shots fired at § 87(2)(b) 12:58 PM—98 [resumed patrol] handled by Special Ops Lieutenant.

On May 16, 2007 at approximately 12:40 PM, on a clear and sunny day, PO Reyes and her partners responded to a 10-10 call of shots fired at § 87(2)(b) in the Bronx. When PO Reyes arrived at the scene in their patrol car, LT Guimaraes was not there yet but he arrived after they went downstairs. PO Reyes and her partners exited the patrol car and approached the location (a private house). The knocked on the front to investigate the call but there was no answer at the front door. “Central” told the officers that the shots were fired out of the basement apartment. The officers then entered the house and went down a flight of stairs to a door leading to the basement (the door was ajar, not fully open). SGT Santiago was the first to enter the basement. The officers did not hear anything going on and asked “Is anybody down here?” There was no response. The officers smelled an odor of marijuana coming from the basement and they opened the door a little, looked to their right and saw about 5-6 black males between 19-25 years of age. It was very dark and the only light in the basement came from the television screen and it seemed like the males were all sitting around playing a video game. There was a small window in the basement but there was not much light getting through. There was a bed in the basement also. The officers drew their guns and told the males “Hands up. Police don't move.” SGT Santiago and PO Reyes drew their guns because they were responding to a call for shots fired and they feared for their safety and they did not know what situation they were getting into. The guns were pointed in the males' direction but not aimed at anyone in particular. PO Salcedo did not draw her gun because she was behind them and it was not tactfully safe for her to have her gun pointed.

The males were not complying and just sat there as though the officers were not there. The males did not make any indication that they were aware of the officers' presence. The officers moved a little closer to the males and there were things on the floor and they had to move out of the way in order to walk by. The officers told them again to stand up and to put their hands up. A few of them did put their hands up but 2 or 3 did not put their hands up and they were still with the game in their hands and fidgeting down by their

sides. SGT Santiago told the males to put their hands up and to stand up because they were sitting down and they were not compliant. PO Reyes then told them to put their hands up and they just kept on going with their video game. PO Reyes could not distinguish the males individually (clothes or looks) but she remembered them from when she worked on foot post. PO Reyes did not know these males by name and still does not know them by name.

At this point the officers re-holstered their guns and handcuffed the males. The officers looked around for any guns in view and they found none. LT Guimaraes arrived in the basement with several other officers in uniform. LT Guimaraes and his officers took over the situation once he arrived at the scene and PO Reyes and her partners resumed patrol. PO Reyes left the basement with SGT Santiago and PO Salcedo before LT Guimaraes. When PO Reyes and her partners left the basement, LT Guimaraes and his officers were walking out of basement with the males also.

PO Reyes did not recall if the males were told to get on the floor or if the males were down on the floor. SGT Santiago never said anything to the effect of "Get the fuck on the floor" or "I'll shoot you if you don't get on the floor." SGT Santiago used no physical force other than handcuffing. PO Reyes did not remember who handcuffed who but they did not have enough handcuffs and there was one male not handcuffed and he tried to walk away from the officers. SGT Santiago handcuffed 1 or 2 people and PO Salcedo handcuffed 1 or 2 people. PO Reyes handcuffed 1 person. All the males were frisked for weapons because the call came over as shots fired. PO Reyes did not recall who frisked who.

There was one male who was not handcuffed and there was a need to use physical force to prevent him from leaving the basement and this male was grabbed by the arm and he pulled back and was told, "Come back here. Where you going? Stay right here." All the males were shouting, "What the fuck? Why you taking out your gun? What the fuck you pointing at me?" PO Reyes did not remember the description of the male who tried to walk away. LT Guimaraes and his officers did not draw their guns. PO Reyes did not recall if LT Guimaraes and his officers handcuffed the free male. LT Guimaraes came down to the basement when PO Reyes and her partners were in the process of handcuffing the males.

While in the basement, one of the males (PO Reyes did not know who) mentioned that he was going to file a complaint against the officers. While in the basement an elderly female who was the grandmother of one of the males approached and she was yelling, "What's going on? I live here, that's my grandson." The basement was visually searched in the television area and the area where the males were sitting and on the floor to make sure there were no guns. The officers took a peek out of a small window. PO Reyes did not remember what things were on the floor but she thought they were toys. The sheet of the bed was moved as a search but PO Reyes did not recall which officer moved the sheet. PO Reyes did not recall a stainless steel box lying on the floor but there were a lot of boxes on the floor of the basement. The boxes on the floor were open and they were next to where the males were sitting and those boxes were looked into by PO Reyes and her partners.

A couple of the males were yelling at no officer in particular "Give me all your fucking names" and one of the males started asking individually "What's your name officer?" SGT Santiago and PO Salcedo and LT Guimaraes provided their names. PO Reyes did not prepare any UF 250's and did not know if LT Guimaraes's officers prepared UF 250's. PO Reyes did not recall if SGT Santiago or LT Guimaraes directed any officer to prepare UF 250's. No officer smoked a cigarette in the basement. The males were not told to get on top of each other. While in the basement, PO Reyes heard the males ask her "What's your fucking name officer? What's your fucking name? Give me your fucking name." PO Reyes did verbally provide her name and shield number by saying "Officer Reyes 4961."

The males asked, "What the fuck is going on, why you have your guns in our face?" and the officers explained to them that a call came in for shots fired on the premises and the males said, "What the fuck, that's not true." The officers then asked "Central" to replay the job. Central repeated the job and the males heard it and they still did not believe the officers were honest. After leaving the house, PO Reyes and her partners returned to their patrol car and answered more jobs because the final disposition was going to be given back by LT Guimaraes. As the officers were walking out, the males wanted to know the officers names and PO Reyes stated her last name and showed them her shield. When PO Reyes was inside her car

with her partners, LT Guimaraes was coming out of the building. PO Reyes was unaware if SGT Santiago had further interaction with the males back at the 43rd Precinct Stationhouse. After the incident, PO Reyes was with SGT Santiago until the end of her tour. PO Reyes did go back to the Stationhouse with SGT Santiago 20 minutes prior to the end of her tour but not right after the incident at § 87(2)(b) PO Reyes did not see these males a second time at the 43 Precinct Stationhouse later that day and she was not aware if the males went to the 43 Precinct Stationhouse after the incident to file a complaint. [Enclosure 16a-16f]

Officer Leslieangi Salcedo (Witness Officer)

On August 27, 2007, Officer Leslieangi Salcedo was interviewed at the CCRB. On May 16, 2007, PO Salcedo worked from 7:05 AM to 3:42 PM and was assigned as the SGT's operator with SGT Santiago and PO Maria Reyes. PO Salcedo was in uniform and assigned to a marked RMP # 1899. PO Salcedo had the following memo book entries in regards to the incident: 12:40 PM – 10-10 shots fired at § 87(2)(b) coming from the basement, § 87(2)(f) not at location, 1:00 PM -- 98 left scene handled by Special Ops Lieutenant.

On May 16, 2007 at approximately 12:40 PM on a clear sunny day, PO Salcedo received a 10-10 call for shots fired coming from § 87(2)(b). They responded to the location, which was a house. They came in on the first floor and then saw the door leading to the basement and descended down the stairs. SGT Santiago took the lead, followed by PO Reyes and then PO Salcedo. When they got down the stairs, they made a right and they smelled a strong odor of marijuana. It was very dark in there because the only light was the light from the television. It appeared that the males were playing PlayStation or some video game. SGT Santiago saw the 6-7 males and drew his gun and told everybody to get down and PO Reyes drew her gun also but PO Salcedo did not draw her weapon because she saw only SGT Santiago and PO Reyes in front of her. PO Salcedo did not see SGT Santiago or PO Reyes point their guns at anyone in particular. SGT Santiago instructed the males to get down, stay still and not to move. Two minutes later, the special operations lieutenant, LT Guimaraes, and his team arrived at the scene and at that point the officers were trying to get the "call back." PO Salcedo never drew her gun during the incident. The males were not staying still and kept moving and said things like "Aw, I can't believe this." Some of the males almost walked towards the officers and were walking around the basement. SGT Santiago told the males to get on the floor and they eventually complied. PO Salcedo believed that the males were handcuffed because she saw SGT Santiago handcuff one male and at that point LT Guimaraes and his team arrived. PO Salcedo did not handcuff anyone. PO Salcedo was not sure if PO Reyes handcuffed anyone.. The officers looked around in the basement to see if there were any weapons. The officers had the males' line up. The males were asking, "What's going on? This is wrong." The officers were telling them what happened and replayed the radio run call for them to hear. The males were very upset. PO Salcedo hardly spoke but she told the males to relax and that they were just doing their job and that they needed to find out what was going on because they received a call. The males confused PO Salcedo for PO Reyes because people say they look alike. PO Salcedo did not recall which officers asked the males questions but she recalled that questions such as "Who lives here? Why are you guys here?" were asked. One of the males stated that his grandmother lived upstairs on the § 87(2)(b) floor. PO Salcedo left the scene with SGT Santiago and PO Reyes because the special operations lieutenant told them that they could leave and that he and his unit would handle it.

PO Salcedo never heard SGT Santiago threaten to shoot the males or say anything like, "I'll shoot you if you don't get on the floor, get the fuck on the floor." No physical force was used against the males by any officers on the scene. No officer ever said to the males "We know you have guns down here." The basement was visually searched but no closets or boxes or compartments were opened and/or searched. The males were frisked and searched in the basement but PO Salcedo did not frisk or search anyone and did not recall who in particular did. PO Salcedo did not recall a steel box lying near the television. No males asked PO Salcedo for her name and or badge number and PO Salcedo never heard the males ask PO Reyes or any officers for their names and or badge numbers. PO Salcedo and her partners did not prepare any UF 250's. After the incident PO Salcedo and SGT Santiago did not go back to the 43 PCT station house. SGT Santiago and PO Salcedo took PO Reyes back to her post (PO Salcedo did not know PO Reyes' post). SGT

Santiago was the patrol supervisor and they (PO Salcedo and SGT Santiago) resumed patrol. [Enclosure 17a-17d]

Lieutenant Fernando Guimaraes (Subject Officer)

Lieutenant Fernando Guimaraes was interviewed at the CCRB on August 29, 2007. On May 16, 2007, LT Guimaraes worked from 8:30 AM to 5:15 PM and his assignment was the Special Operations Lieutenant of the 43 PCT. His responsibilities entailed oversight of different units such as narcotics teams and conditions units. LT Guimaraes was working with Officer Philip Connor, his operator, and PO Nathaniel Anthony. LT Guimaraes was dressed in blue jeans and a white polo shirt identifying him as a lieutenant with two NYPD patches and his name. LT Guimaraes was assigned to an unmarked RMP § 87(2)(b), which is a gray/silver Ford Crown Victoria. LT Guimaraes had no memo book entries in regards to the incident.

On May 16, 2007 at approximately 12:45 PM on a clear day, LT Guimaraes responded to a call of shots fired inside § 87(2)(b). When he arrived at § 87(2)(b) SGT Santiago's RMP was coming down § 87(2)(b) from north to south. They arrived at the same time but SGT Santiago and PO Reyes reached the door before LT Guimaraes. SGT Santiago and PO Reyes were 5 to 6 paces in front of LT Guimaraes. LT Guimaraes entered the front door of § 87(2)(b), went through the vestibule and then make another sharp right and went down the stairs.

LT Guimaraes was right behind SGT Santiago and his operator (identified by the investigation as Officer Leslieangi Salcedo). SGT Santiago was with a female officer named Reyes (identified by the investigation as Officer Maria Reyes). The job came over as shots being fired from a basement apartment. LT Guimaraes went down the hallway and the basement apartment was open. LT Guimaraes looked down and saw that it was dimly lit and the officers took their flashlights out. LT Guimaraes heard SGT Santiago say, "Let me see your hands, get down to the floor, and get down to the floor." LT Guimaraes did not hear SGT Santiago say anything to the effect of, "I'll shoot you if don't get on the floor" or "Get the fuck on the floor." LT Guimaraes did not hear any officer say this and he did not say it himself. LT Guimaraes could see to a minimum the layout of the basement. Initially, LT Guimaraes eyes were adjusting to the darker light. SGT Santiago said "Get down to the floor, let me see your hands. Get down, let me see your hands."

The males complied with SGT Santiago and got down to the floor. LT Guimaraes could only see shadows of the males in the basement. There were 4 to 5 black males between 18-25 years old. There was a strong smell of marijuana coming from the basement. LT Guimaraes believed SGT Santiago drew his gun because it was a call for shots fired. LT Guimaraes did have his gun drawn and pointed down at his side. LT Guimaraes never pointed his gun because SGT Santiago was right in front of LT Guimaraes and LT Guimaraes did want to point his gun at SGT Santiago. LT Guimaraes did not know if SGT Santiago pointed his gun. All the males in the basement were handcuffed because it was a call for shots fired, the basement was dimly lit, the officers did not know what they were encountering and LT Guimaraes had never been inside the residence. LT Guimaraes handcuffed one of the males and frisked his waistband and lungeable area. LT Guimaraes did not recall seeing PO Connor, PO Reyes and SGT Santiago frisking or searching the males but LT Guimaraes believed that they must have frisked the other civilians. The frisking came after the males were handcuffed. No physical force was used against the males, they were loud (yelling) but compliant for the most part. There was no struggle or fight when the males were handcuffed.. The males were yelling that the officers had no search warrant to be in there and that they broke down doors. The males did say on the scene that they were going to file a complaint against the officers and LT Guimaraes believed they were at the precinct later on for that reason. No male in the basement asked LT Guimaraes for his name. While in the basement, LT Guimaraes did not recall if the males asked any other officers for their names or badge numbers. LT Guimaraes did not recall if the males ever asked PO Reyes for her badge number. LT Guimaraes was asked by the males to provide evidence of the shots fired call. LT Guimaraes went to his radio and asked "Central" (their dispatcher) to repeat the job and the males heard it but they did not accept it. LT Guimaraes did this favor for the males at the location and once more back at the stationhouse.

A preliminary search of the basement was conducted to see if anyone was hurt, shot or if there were any weapons lying around but there were negative results. At that point the handcuffs came off. LT Guimaraes

believed he did search the areas (lungeable places where a person could grab a gun) around the bed and TV to see if there was a gun. LT Guimaraes did not recall flipping over the bed or looking under the TV. LT Guimaraes did not recall any boxes or steel boxes lying on the floor of the basement. LT Guimaraes believed that SGT Santiago prepared UF 250's because SGT Santiago was the patrol supervisor and SGT would have instructed officers to prepare UF 250's. SGT Santiago never told LT Guimaraes that UF 250's were prepared. That day, two or three jobs came over for shots being fired in the same location. LT Guimaraes was pretty sure he directed SGT Santiago to do UF 250's and the officers did take the males names. LT Guimaraes and his partner left the location once LT Guimaraes saw that there was no one shot and no one lying around under the bed or behind the wall or a door. When LT Guimaraes left the basement, the males followed LT Guimaraes outside. They were yelling and screaming and telling LT Guimaraes to learn how to direct his officers. LT Guimaraes left the scene with PO Connor.

SGT Santiago and PO Reyes left the scene at the same time as LT Guimaraes and PO Connor. After LT Guimaraes left the scene, LT Guimaraes saw the males later that day at the 43rd Precinct. One of the males stopped LT Guimaraes while he was walking out and he wanted LT Guimaraes's name. LT Guimaraes' name is embroidered on his shirt and LT Guimaraes gave him the pronunciation. LT Guimaraes and the males shook hands and they went their separate ways. § 87(2)(f)

§ 87(2)(b) LT Guimaraes believed that SGT Santiago was at the stationhouse relieving the desk or taking a meal while LT Guimaraes was there. LT Guimaraes did not recall if SGT Santiago had interaction in the stationhouse with males. [Enclosure 18a-18e]

Officer Phillip Connor (Subject Officer)

Officer Phillip Connor was interviewed at the CCRB on September 11, 2007. On May 16, 2007 PO Connor worked from 9:30 AM to 6:05 PM and was assigned to SNEU with LT Guimaraes. PO Anthony may have been in the car with PO Connor. PO Connor was working in uniform and assigned to an unmarked car, a gold Ford Crown Victoria. PO Connor was driving with LT Guimaraes sitting up front. PO Connor had the following memo book entries regarding the incident: 12:40 PM – 10-10 [possible crime] gun run at § 87(2)(b) § 87(2)(b) 12:45 PM -- 84 [arrival at scene] 13:00 PM -- 98 [resume patrol]

On May 16, 2007 at approximately 12:40 PM, PO Connor was doing SNEU operations in the vicinity of the impact zone covering § 87(2)(b) and § 87(2)(b) and a few other blocks when he received a 10-10 gun run over the radio. They responded to the location and as they pulled up to the location another unit in a marked RMP was also arriving. PO Connor did a canvass outside the house. When PO Connor finished canvassing he noticed that the other unit entered the house (the front door was open). LT Guimaraes followed the officers and PO Connor followed LT Guimaraes and went into the house. PO Connor did not know where the officers went at first and then he heard noise coming from the back where the stairwell to the basement was. PO Connor approached the stairwell and descended the stairs. PO Connor heard SGT Santiago yelling, "Let me see your hands. Let me see your hands" and some yelling back and forth but PO Connor did not recall what else was said.

PO Connor reached the other officers in the basement and observed the officers with their firearms drawn. PO Connor drew his gun also. PO Connor recalled SGT Santiago with his gun drawn but PO Connor did not recall where LT Guimaraes was at that point but he was downstairs at that time. The lighting of the basement was dim. SGT Santiago was working with two females and PO Connor believed but was not sure that the females had their firearms drawn. SGT Santiago was directly in front of PO Connor (PO Connor was focused on SGT Santiago) and SGT Santiago was directly facing 4 black males between the ages of 20-30. PO Connor did not point his gun because SGT Santiago and the two female officers were in front of him and it would not be safe to point the gun. PO Connor knew the males by face but not by name because he used to encounter them when he worked on a foot post. The males were known trouble makers by being out drinking and smoking marijuana. PO Connor holstered his gun. PO Connor never heard SGT Santiago or any officer say to the males, "I'll shoot you if you don't get on the floor." SGT Santiago did instruct the males to get on the floor. The males were not cooperating with SGT Santiago's commands. There was no need to use any physical force against the males and no physical force was used against the males. After the males were handcuffed (PO Connor handcuffed one individual), they were frisked for weapons and the basement was searched. The vicinity of where the males were sitting was visually searched for weapons.

PO Connor recalled a lot of clutter in the basement but he did not recall any specific boxes or steel cans and therefore he did not know if any boxes or cans were searched. The males were spoken to and then uncuffed after the investigation was complete. The grandmother of one of the males came down to the basement. PO Connor did not interact with the grandmother but the grandmother was asked if the males lived in the building or were trespassing and she stated that the boys lived there. SGT Santiago never said, "I don't give a fuck who's down here this is my job I do what I want." To PO Connor's knowledge, no profanities were used by PO Connor or any officer in the basement.

After the males were released, the officers left the scene. The individuals followed the officers out of the basement and outside the house. The individuals were angry and saying that the officers violated their rights and that the officers did not have a search warrant and that they should not have been in the basement. PO Connor left the scene with LT Guimaraes and PO Connor went to the 43rd Precinct Stationhouse for other reasons. When PO Connor was leaving the precinct he passed by LT Guimaraes and SGT Santiago. The males were there and they had confronted LT Guimaraes and SGT Santiago about the situation as they were walking outside the stationhouse. The males did not confront PO Connor.

No males asked PO Connor for his name or badge number and PO Connor did not recall if the males asked any other officer for their name or badge number. The males in general did tell the officers that they were going to file a complaint. PO Connor believed that SGT Santiago and his partners were the ones handling the job and if a UF 250 was prepared it would have been them. [Enclosure 19a-19c]

Officer Nathaniel Anthony (Witness Officer)

Officer Nathaniel Anthony was interviewed at the CCRB on October 11, 2007. On May 16, 2007, PO Anthony worked from 8:00 AM to 4:35 PM and was assigned to the 43 SNEU team with LT Guimaraes and PO Connor. PO Anthony was in uniform and assigned to an unmarked RMP, a Ford Crown Victoria (PO Anthony did not remember the color or the RMP number). PO Anthony had the following memo book entries regarding the incident: 12:40 PM -- 10-10 gun in basement § 87(2)(b) 12:45 PM -- 10-84. [arrival at scene]

On May 16, 2007 at approximately 12:45 PM PO Anthony and his partners were doing SNEU observations when they responded to the 10-10 call. They were backing another sector but upon arrival at the location, there was a marked RMP parked outside but no officers were inside the RMP. PO Anthony assumed that the officers were already inside the building because of the empty RMP but PO Anthony did not know the officers who arrived in that RMP. PO Anthony could not name any other officers on the scene besides LT Guimaraes and PO Connor. PO Anthony does not know SGT Roberto Santiago.

Upon arrival at the location, LT Guimaraes and PO Connor entered the building. PO Anthony stood outside with the RMP to secure the RMP's and make sure that nobody ran out threw the back or front of the building. PO Anthony did not recall the content of the radio run because it was not his job. PO Anthony was outside until other units arrived in marked RMPs. PO Anthony could not estimate how many RMPs responded and he did not know who the officers were. After a short time, PO Anthony entered the vestibule area of § 87(2)(b) and stood guard there for a few minutes. After that he walked to the basement door and was about to descend the stairs when civilians (black males) exited the basement and PO Anthony went back to the vestibule and waited for everybody to exit. Everyone went outside where LT Guimaraes spoke to the individuals (there were at least three of them) and after they finished their conversation, the officers left the scene. The individuals were asking why the officers were there and LT Guimaraes explained the 911 call and the gun run. PO Anthony had no verbal interaction with the black males during the incident. PO Anthony did not know if PO Connor had any verbal interaction with the males. PO Anthony was never told by the males that they were going to file a complaint. PO Anthony and his partners resumed their SNEU observation after the incident but probably went back to the 43rd Precinct Stationhouse later on.

PO Anthony was not aware if the males went to the 43rd Precinct Stationhouse after the incident. PO Anthony did not recall the time of his first return to the Stationhouse after the incident and did not recall if the black males were at the Stationhouse speaking to a desk officer. PO Anthony was not aware if PO Connor and LT Guimaraes drew their guns and PO Anthony was not aware if the black males were

handcuffed. During the incident, LT Guimaraes and PO Connor did not tell PO Anthony what transpired down in the basement. [Enclosure 20a-20e]

Police Documents

Sprint Print-Out

The Sprint Print out for May 16, 2007 revealed that there was 10-10 [possible crime] call regarding § 87(2) [REDACTED] and a sergeant arrived at the scene followed by a lieutenant 10 minutes later. [Enclosure 21a-21b]

43rd Precinct UF 250 Log

According to MAS, the UF 250 Log did not list anyone by the name § 87(2) [REDACTED], § 87(2)(b) [REDACTED], § 87(2)(b) [REDACTED], § 87(2) [REDACTED] or § 87(2) [REDACTED] and a request sent to the 43rd Precinct for the handwritten UF 250 reports came back negative. [Enclosure 22]

Roll Call

The tour 2 roll call from the 43rd Precinct on May 16, 2007 indicated that SGT Santiago was assigned as the patrol supervisor and PO Salcedo was assigned as the sergeant's operator. PO Reyes was assigned to a foot post. PO Connor and PO Anthony were assigned to SNEU. LT Guimaraes was not listed on the roll call. [Enclosure 23a-23o]

CCRB Histories

This is the first complaint that § 87(2)(b) [REDACTED], § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] have filed with the CCRB. In their respective 15, 12, 4 and 2 year tenures, SGT Santiago, LT Guimaraes, PO Connor and PO Reyes have no substantiated cases with the CCRB. [Enclosure 2, 3, 4a-4b, 5 and 6a-6e]

Conclusions and Recommendations

Officer Identification

The civilian statements and the officers' statements confirmed that PO1 was SGT Santiago, PO2 was PO Reyes, PO3 was LT Guimaraes, PO4 was PO Connor, PO5 was PO Anthony and PO6 was PO Salcedo. Also, § 87(2)(b) [REDACTED] correctly identified PO Reyes when he viewed photos of the officers.

Disputed Facts

§ 87(2)(g) [REDACTED]
[REDACTED]

Undisputed Facts

SGT Santiago entered the basement with PO Reyes and PO Salcedo followed by LT Guimaraes and PO Connor. The males were handcuffed, the basement was searched and all five males were frisked for weapons. One male did ask PO Reyes for her name or her badge number.

Assessment of Evidence

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(2)(g)

Allegations Not Pled

§ 87(2)(g)

Allegation A: Abuse of Authority: Sergeant Roberto Santiago authorized and supervised the entry and search of § 87(2)(b) in the Bronx.

Allegation B: Force: Sergeant Roberto Santiago pointed his gun at § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b)

Allegation C: Force: Officer Maria Reyes pointed her gun at § 87(2)(b), § 87(2)(b), § 87(2)(b) § 87(2)(b), § 87(2)(b) and § 87(2)(b)

Allegation D: Abuse of Authority: Lieutenant Fernando Guimaraes pointed his gun at § 87(2)(b)

Allegation E: Abuse of Authority: Officer Philip Connor drew his gun.

§ 87(2)(g)

Allegation F: Abuse of Authority: Sergeant Roberto Santiago threatened § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) with the use of force.

Allegation G: Discourtesy: Sergeant Roberto Santiago spoke obscenely and/or rudely to § 87(2)(b) § 87(2), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b)

§ 87(2)(b), § 87(2)(b) and § 87(2)(b) alleged that SGT Santiago said something to the effect of, “I shoot if you don’t get on the floor. Get on the fuck on the floor motherfuckers.” SGT Santiago admitted to telling the males to get on the floor but claimed that he never threatened to shoot them or use the word “fuck” or “motherfuckers.” § 87(2)(g)

Allegation H: Force: Sergeant Roberto Santiago used physical force against § 87(2)(b)

§ 87(2)(b) claimed that SGT Santiago threw him down on the floor and placed his foot on § 87(2)(b)s back. § 87(2)(b), § 87(2)(g)

Allegation I: Abuse of Authority: An officer searched § 87(2)(b)

§ 87(2)(b) claimed that LT Guimaraes pointed his gun at him and frisked him, while an unidentified officer stuck his hands inside his front and back pockets. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation J: Abuse of Authority: Sergeant Roberto Santiago supervised the frisk of § 87(2)(b)

§ 87(2)(b), § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) claimed that they were all searched but only § 87(2)(b) specifically alleged a search whereas PO Reyes, PO Connor, SGT Santiago and LT Guimaraes all stated that the males were frisked and not searched. PO Salcedo was the only officer who said that the males were frisked and searched but claimed that she personally did not frisk or search. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation K: Abuse of Authority: Officer Maria Reyes refused to provide her shield number to

§ 87(2)(b)

§ 87(2)(b) claimed that he asked PO Reyes “Excuse me miss. Can I see your badge number?” and PO Reyes ignored § 87(2)(b) and kept walking out of the basement. PO Reyes claimed that while in the basement, the males, no one in particular, asked her “What’s your fucking name officer? What’s your fucking name? Give me your fucking name.” PO Reyes claimed that she verbally provided her name and shield number by saying “Officer Reyes 4961.” Although § 87(2)(b) did in fact know PO Reyes badge number at the time of his CCRB interview, he claimed that he obtained it because he saw her on a Sunday after the incident. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: